

THE GERRYMANDER CASE.

SPOONER'S GREAT ARGUMENT ON THE RIGHTS OF PEOPLE.

Republican Reciprocity—Glorious Facts and Figures—Blaine Not a Candidate—Wool and Revenue—A Study in Tin Plate Prices.

Col. Spooner's Masterly Argument.

Probably one of the ablest arguments ever made before the supreme court of Wisconsin was that of ex-Senator Spooner in the gerrymander case, which came up for argument on the 9th instant. "It is fully," says the State Journal, "sustained the high reputation of that learned advocate, and gave renewed evidence of his right to the title of one of the ablest constitutional lawyers Wisconsin has produced, as he is recognized among the leading lawyers of the country." On the proportionate representation clause in the ordinance of 1787, Col. Spooner's remarks are well worth a careful study. "What utter folly to argue in this day in the highest court of the state upon which our constitution confers original jurisdiction in matters publici juris, that in the passage of an apportionment bill or any other bill involving the exercise of legislative power the limitations of the constitution are ropes of sand, and that the legislature is a constitution unto itself. This court took original jurisdiction of injunction in the case of the Attorney-General vs. Eau Claire, to protect the sovereignty of the state and the public interest against the invasion under an unconstitutional enactment by that city of the navigation of the Chippewa River at a point where it had never been navigable except for the floating of logs, and where its waters had never been vexed by the keel of any craft larger than the canoe of the Indian or the batteau of the lumberman, mainly upon the ground that by the ordinance of 1787 engrained upon the constitution, the state held that river under a trust to the general government, and under compact, to maintain it forever free. It has seemed to me that in perception, foresight and wisdom the great ordinance of 1787 is to be ranked with the constitution of the United States. It was drawn and enacted by men imbued with the spirit of the revolution, who understood and appreciated the value of personal and religious liberty, the importance of popular education and the principle that government should be of laws, not of men. By article 4 of that great charter, upon which was based the government of the territory of the Northwest from which has sprung so many great commonwealths, it is provided: "The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus and of the trial by jury, of a proportionate representation of the people in the legislature, and of the proceedings according to the course of the common law. These men, fresh from the revolution, conscious of the injustice of taxation without representation, stipulated in this great charter a compact as solemn as any ever signed by man, that alongside of the writ of liberty and the right of trial by one's peers and of judicial proceedings according to the course of the common law, which they had been taught to believe was the perfection of human wisdom, there should be forever maintained for this people, that other jewel, a 'proportionate representation of the people in the legislature.' So that when the architects of our constitution drafted the ordinance of apportionment and representation, they wrought not simply under the impulse and duty to preserve and protect and perpetuate this essential element of representative and republican government, but they obeyed the obligation of a solemn compact. This provision of the ordinance of 1787 stands unreplicated in its obligations, the framers of the constitution recognized it, and did their best to secure it to the people forever. The question now is whether the covenant can be broken and dishonored without redress. That the supreme court of this state in the exercise of its original jurisdiction will use the prerogative writ of injunction to protect the sovereignty of the state, to enable it to keep its compact to maintain free the navigation by logs of a rocky and rushing river, but has no jurisdiction to protect the sovereignty of the state in the great trust which is born of the same ordinance, guarded with industry and intelligence in the same constitution, the right of proportionate representation of the people in the legislature, is the height of absurdity. To declare that the court has no jurisdiction of the subject matter of this case is to thwart the anxious efforts and care of the founders of the constitution, to obliterate the safeguards which they threw around the great right of representation and self-government, and to abdicate the judicial power to the legislature, and leave that body to be forever a court of first and last resort upon this great question." These are some illustrations of the reckless violation of the great charter pointed out by Col. Spooner that demand attention and action. The United States District No. 22 has 38,000 inhabitants, which is 18,000 less than No. 19. The La Crosse district has a population of 38,801, but an adjoining district has 38,322, and still another district contains 68,601. Here in Milwaukee, the difference between the districts is fully as marked, that between District No. 5 and District No. 22 being 33,325, and between No. 27 and 22 being 30,834. In the Assembly districts, "the proportionate representation in the legislature" clause in the ordinance of 1787 is strangled fully as violently as in the Senate districts, in some Democratic districts a little over 6,000 population being sufficient for a Democratic member, but in the Republican districts from 14,000 to 22,000 are required for a member of the Assembly. Col. Spooner called the attention of the court to the disfranchisement feature of the Democratic gerrymander apportionment: "It appears from the complaint or relation that the counties of Calumet, Kenosha, Juneau, Winnebago (part), Jackson, Wood, Milwaukee (part), Watworth, Sauk, Sawyer, Monroe and part of Dane, whose electors in 1882 voted for a senator, have been so changed around that their electors cannot vote for a senator until 1891. What would the distinguished framers of the constitution, who are fearful lest one-half of the people be deprived of the right to vote for a senator each year,

think of the act under which counties containing 231,318 people are not permitted to vote for a senator but once in six years? It appears that Kewaunee, Eau Claire, Lincoln, Forest, part of Rock, Shawano, Marathon, Oconto, Langlade, Florence and part of Milwaukee, containing 188,809 inhabitants, whose electors voted in 1890 for a senator, may vote again for a senator in 1892, and it appears that by this juggling with the rights of the people in the reformation of the senatorial districts that the seventeen odd-numbered districts from 1 to 33, containing 530,289 people, 387,122 had no voice whatever in the choice of senators who will represent those districts in the Senate. If by such legerdemain the electors of a Senate district may be deprived of the right to vote for a senator for a period of six years, in view of the fact that under our constitution an apportionment is to be made each five years, it would not be very difficult to permanently deprive the people of the district of the right to vote for a senator by again attaching them to a county which had just chosen a senator." It was with great emphasis and force that ex-Senator Spooner called attention to the fact that in the case before the supreme court "the question now is whether the covenant that promised to the people in the charter of their political liberties, can be broken and dishonored without redress."

The certainty that the foremost citizen of the country will not be the next President of the United States, and that great office, cannot fail to allitiate a multitude of his fellow-citizens with a keen sense of personal grief. Having reached this determination, Mr. Blaine shows his native sagacity and loyalty in the time and manner of his announcement. His letter to Mr. Clarkson is explicit and conclusive. He says not merely that he is not a candidate, but also that his name will not go before the convention. He means to go and now and finally the uncertainty which has been felt by the leaders and the masses of the Republican party. Had the possibility that he might be willing to accept the nomination remained, while also the belief was common that his wealth or his distinction would interfere, the party could not have concentrated its energies for the impending conflict. But this decisive announcement, at the right moment and with the right impulse, opens the way for harmonious and fruitful activity. What we have already said is repeated here, that Mr. Blaine has had a perfect right to allow his name to be used in connection with the presidency while holding the office of secretary of state, and nobody has pretended to doubt his right except in the silly hope of producing discord in the Republican party. Gen. Harrison and Mr. Blaine have had no misunderstanding on that subject. They have appreciated the matter in all its relations. Those who are most reluctant to lose the satisfaction of voting for Mr. Blaine will cordially acknowledge that the President deserves the undivided confidence of the party, and that he has made the election of a Republican successor the most encouraging probability of the present year. And in common with all loyal members of the party they will be apt to reason that this probability can be most securely confirmed by his nomination to succeed himself. The party has put great and beneficent policies in operation during the last three years, and the welfare and content which they have produced are the most conspicuous features of the time; but the country does not yet enjoy the full measure of prosperity which they are capable of engendering. In accepting as final Mr. Blaine's determination not to be a presidential candidate, the party, and we believe, the whole country, will still hope to have the benefit for many years to come of his invaluable services in a public station. His knowledge, sagacity and experience, his comprehensive understanding of the American people and American institutions, and his fervent patriotism, are a national possession which must not be diverted from the service of the nation.—New York Tribune.

Wool and Revenue. Here is a simple question for tariff reformers. They propose to take off all the duties on wool and all the compensatory duties on woolen goods, and insist that the home manufacture would be better off and better able to sustain itself against foreign competition than it is now. It must be assumed that some of the most honest believe this. Very well, gentlemen; what are you going to do for the necessary revenue? Granulated sugar at 4 cents per pound against 6.75 cents eighteen months ago, means something for the working people. Perhaps no article could be named which is more universally consumed by the entire American people; certainly not wheat bread, for in large sections corn is almost exclusively used instead. The people consume more than 50 pounds of sugar for every inhabitant. They have gained by a single change of duty from \$1 to \$1.37 for every person; from \$5 to \$8.87 for every family. Do the tariff reformers propose to put this "bread" back? They are well aware that they have not the courage to suggest such a thing. What are they to do, then, for the needed revenue? The treasury has no larger revenue now than it requires. In fact, most of the reformers insist that it has too little, that its balances are improperly depleted, and that bankruptcy is ahead unless this Congress carefully reduces expenditures. The official reports show but a narrow and scanty balance for the future, even if the sinking fund be disregarded, and if no appropriation should be made in excess of the estimates, which do not include many things for which Congress is sure to spend money. The duties on wool during the last fiscal year amounted to \$8,552,283, and with the duties on waste and rags, which it is also proposed to make free, to \$6,798,795. The duties on the remaining woolen goods amounted to \$34,650,926, and as the value of these was but \$43,028,882, and the duties proposed by tariff reformers would not exceed 40 per cent. ad valorem, the amount collected would be not more than \$17,200,000. It is asserted by the reformers that the manufacturer would be able to sustain himself as well as he does now; that is, the imports of goods would be no greater. Hence no increase in the revenue from wool and woolens beyond the above-named \$17,200,000 should be expected, which would be \$24,200,771 less than the revenue from the same articles last year.

Some other tax must be imposed if this amount of duty is to be taken off. It will not do to put back the duties on sugar and molasses. It would be absurd to put back the duties on manilla, jute and other textile grasses which were placed on the free list, reducing the revenue \$1,700,000. Neither will it do to put higher duties on more than 200 articles which were placed on the free list, or reduced in duty by the last tariff. What other tax, yielding \$24,200,000 yearly, an amount the treasury must have, are the tariff reformers prepared to impose? Of course they do not know, nor does anybody else. In their absurd notion that the first duty of man is to attack a tariff they make haste to cut off revenue which is necessary for the support of the Government, with not the faintest idea what they can do to get an equal revenue with less injury to the people. If they ever become sane enough to think about the matter dispassionately, they will find that duties which do actually add nothing to the cost of woolen goods, and yet bring \$24,200,000 yearly to the Treasury, form a highly desirable source of revenue, irrespective of their value as a defense for a great American industry on which more than a million people depend for support.—New York Tribune.

Foreign Reciprocity. READ THE STATISTICS OF EXPORTS AND IMPORTS. Exports to the United States in 1890. Exports to the United States in 1891. Exports to the United States in 1892. Exports to the United States in 1893. Exports to the United States in 1894. Exports to the United States in 1895. Exports to the United States in 1896. Exports to the United States in 1897. Exports to the United States in 1898. Exports to the United States in 1899. Exports to the United States in 1900.

A Study in Tin Plate Prices. Those who have been shedding many tears over the duty which the Republican Congress placed on tin plate need not weep any more if they don't want to. They can find comfort in the Iron Trade Circular, published in Birmingham, Eng., and of course, it is free trade, so that the American free trade weepers can count on the Circular's statements as being correct. It gives the highest prices of tin plate from 1877 to 1891, and will afford much interest to those who wish to take a valuable lesson in tin plate prices:

Table with columns: Year, Foreign, Domestic, Total. Rows for years 1877-1891.

Becoming Left-handed Suddenly. Three years ago, says the Boston Post, a young lady of 19, Miss M., was hit upon the left side of the head by a falling sign as she was walking along a street in Boston. This was followed by brain fever. After some weeks she was as well in mind and body as ever, but from a right-handed person she had become so left-handed that she could neither eat, sew nor write with her right hand, but found it easy to do all these things with her left. Her right hand was just about as useful as her left had been before she was hurt. What is strange is that, with so recent a change in the use of her hands, she never makes an awkward motion, and is as graceful in the use of her left hand as if she had been born left-handed.

How He Got His Start. A man from Biddeford, Me., who started as a candy peddler with a small circus, has turned out to be a better showman than the proprietor of the circus. The circus became stranded in Altoona, Pa., and the candy peddler took the fat woman, the stuffed snake and the trained bear as his share of the wreck. He exhibited the curiosities in a vacant store, cleared \$300 the first week, enlarged his show, hired a small hall and now owns a flourishing dime museum.

To Tunnel Into New York. The Corbin management of the New York & New England propose a tunnel into the heart of New York City and the improvement of the whole line. Besides this \$6,000,000 of trust bonds will be issued convertible into preferred stock.

Australian eggs are now shipped to London, thanks to an extraordinary new process of preservation.

JESSE JAMES OUTDONE.

DARING NEW YORK TRAIN-ROBBERIES CAUGHT.

Desperate Fight on a Central Hudson Express—Flight of the Robber on One Engine, His Pursuers on Another—Finally He Surrenders.

A Bold Bandit.

The shooting of an express messenger on a Central Hudson train; the rifling of a valuable safe; the flight of the robber on the engine of another train, from which he drives the crew at the point of a revolver; a running fight from the engine for miles followed by another engine filled with railway men; and the final capture of the desperado by a sheriff's posse in a swamp, after a wild pursuit across the country, are some of the sensational features in the most desperate attempt at train robbery in the history of the Central Hudson Railway, and which cast in the shade as an exhibition of coolness and nerve the famous exploits of the Jesse James band or other outlaws of Western fame.

Says a Rochester, N. Y., telegram: Train No. 31 on the Central-Hudson is known as the American Express Company's special. It runs every day in the year between New York and Buffalo, and carries only goods and property shipped by that company. The train leaves New York at 9 o'clock each evening and is due in this city at 7:05 in the morning. Nearly all the cars are run through to Chicago and contain the most valuable express matter. One car is known as the "money" car and in it is sent specie from the United States Treasury for Western banks, as well as the money in process of exchange between the banks of New York and the West.

Daniel T. McInerney was in charge of the money car on the trip Saturday night. The train was made up of eight cars and one day coach for the accommodation of the regular train crew. When the train was near Weedsport the conductor, who was in the coach with his two trainmen, thought he heard the whistle sound very faintly. It was enough to arouse him to the belief that something was wrong on the express car.

Going out on the platform of the coach, he climbed onto it, and, looking through the hole which the bell cord comes through, he saw the upper part of a man whose face below the eyes was concealed by a red flannel mask. The messenger he could not see, and he went back to the air brakes, and called his two trainmen. The three stood leaning out on the platform looking forward along the sides of the express car. Suddenly a form appeared at the side door of the express car. Revolver bullets whistled past their eyes, and a voice was heard commanding them to signal the engineer to go ahead or take the consequences. The trainmen were unarmed. The conductor told one of his men to jump off, run back to Jordan, and telegraph along the line to Rochester that they had a train robber on board.

This was done and the conductor signaled the engineer to go ahead at full speed, thinking that the robber would not dare jump and would be captured at the next stop. The train went to Fort Byron. Here the brakes were set again and the conductor and trainmen went to the express car.

The car showed signs of a desperate struggle. Money packages and jewelry were lying scattered about, everything being over the door, and Messenger McInerney was lying bleeding from several wounds and almost unconscious. The robber was nowhere to be seen and was supposed to have jumped and made good his escape. McInerney wanted to be brought on to Rochester, and the train went on to Lyons, the next stop. The news had spread all along the line by this time, and the station at Lyons was alive. Among others in the crowd was a well-dressed young man wearing glasses and carrying a sachel slung over his shoulder. Now, it happened that the trainman had noticed the young man at the station at Syracuse before the train had started out. An attempt to arrest him was made, but he pulled two revolvers, held the crowd back, and backed across the yard until he reached a coal-tin; the engine of which had steam up ready to pull out for the West. He pulled the trigger, and the crowd was scattered, and he climbed over the coal into the cab of the engineer and fireman out with his revolvers, pulled open the throttle and started the engine.

Conductor Laas and one of the switchmen procured a shotgun, freed the engine of the express, and with the fireman and engineer, started in pursuit of the fugitive. The Central-Hudson is a four-tracked road, and the engines, though they were going west, were not on the same track. The express engine reversed his engine and let his pursuers pass him, pouring pistol bullets into the cab as his pursuers went by. Then the pursuers stopped and the pursued went ahead. About seven miles further on the robber found his steam going out of his engine. He dropped off at a cross-road and started across the country. He managed to terrorize a farmer into letting him have a horse, and rode on about two miles farther south, where he procured another horse. The party in the express engine had returned to Lyons, where the sheriff of Wayne County had organized a posse, which, under command of Deputy Sheriff Collins, started in pursuit. Meantime the farmers along the robber's line of retreat had also turned out, fully armed, in pursuit.

The robber was sighted about five miles south of Newark. The roads are very bad and he had made very poor speed. He abandoned his horse and ran across lots to Benton's swamp, but the swamp proved to be too full of water to be penetrated and the fugitive took up his station behind a stone wall and faced his pursuers. After some parley he surrendered to Deputy Sheriff Collins. He was taken back to Lyons and lodged in jail. He gave the name of William Cross; said he was from New Mexico, and had been boarding in Syracuse for some time. He admitted he was the man who attempted the train robbery to Chief of Detectives Haydock of this city. He is believed to be the much-wanted Oliver Curtis Parry who robbed Express Messenger Moore near Utica last fall. The story of the attempted robbery, as far as can be gathered, is this:

The express messenger will not talk. Cross boarded the train when it pulled out of Syracuse and climbed on top of the express car. He was provided with a hooked rope. Fastening the hook in the slight cornice of the door on one side of the car he let himself down onto

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